PATENT APPLICATION
Response under 37 C.F.R. 1.116–
Expedited Procedure – Examining Group Art Unit 2616
Attorney Docket No.: 678-797 (P10029)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S):	KIM, Jong-Han et al.	**GROUP ART UNIT:** 2616
APPLICATION NO.:	10/052,097	**EXAMINER:** HAN, Clemence
FILING DATE:	January 18, 2002	**DATED:** August 14, 2008

FOR: **APPARATUS AND METHOD FOR CONTROLLING REVERSE TRANSMISSION IN A MOBILE COMMUNICATION SYSTEM**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE UNDER 37 C.F.R. §1.116

Sir:

In response to the Final Office Action of the United States Patent and Trademark Office dated November May 14, 2008, please consider the following Request for Reconsideration.

DO NOT ENTER: /C.H./

REQUEST FOR RECONSIDERATION

Reconsideration of the present application is respectfully requested.

Claims 1-24 are pending in this application.

In the Office Action, the Examiner objected to the Drawings. The Examiner objected to the Specification due to lack of clarity. The Examiner objected to Claims 4 and 13-15 due to informalities. With regard to the art, the Examiner rejected Claims 1-13, 16-20 and 23-24 under 35 U.S.C. §102(e) as being anticipated by U.S. Pub. No. 2003/0002464 to *Rezaiifar et al.* (hereinafter *Rezaiifar*). The Examiner rejected Claims 14-15 and 21-22 under 35 U.S.C. §103(a) as being unpatentable over *Rezaiifar* in view of U.S. Pub. No. 2003/0142656 to *Padovani et al.* (hereinafter *Padovani*).

As to the objection to the Drawings, the Examiner once again alleged that "DRQ message", "ACK message" and "detection ACK signal", recited in the claims, are not shown in the drawings. However, it is respectfully asserted that the "DRQ message" is clearly shown at least in FIG. 12 at reference #1211.

In addition, it is noted that "detection ACK signal" is shown in FIG. 3 at "ACK for DRQ", since the specification makes it clear that these two phrases have the same meaning (see, e.g., page 8, line 7-9). As for "ACK message", the first full paragraph on page 12 of the specification makes it clear that "ACK bit", shown throughout the drawings, becomes an ACK message when it is repeatedly transmitted.

Applicants respectfully assert that for at least the foregoing reasons, the Drawings objection should be withdrawn. Withdrawal of the same is respectfully requested.

As to the objection to the Specification, the Examiner alleged that the Specification was not corrected to correspond to previous amendments that were made in the claims. It is

respectfully asserted that the Examiner is incorrect here. Specifically, the Examiner alleged that it is unclear whether "reverse DRQ access" on page 14, line 28 refers to the same or different signal as the "DRQ" transmitted in FIG. 7. Applicants respectfully disagree.

A "reverse DRQ access" is a signal transmitted from a mobile station to a base station for transmitting a DRQ prior to transmitting the DRQ, and it is a signal of a DRQ channel or a signal including a preamble signal. That is, the "reverse DRQ access" can be a DRQ signal and another signal. It is respectfully asserted that the specification is clear with respect to each of these terms, and accordingly, this objection should be withdrawn. Withdrawal of the same is respectfully requested.

As to the objection to the claims, in Claims 4 and 13-15 the Examiner repeated the allegation that at least "transmitting ACK message in response to a detection ACK signal of the DRQ message" is unclear, due to discrepancies between the claims, the specification and the drawings. It is respectfully asserted that the Examiner is incorrect. The "detection ACK signal" is shown in FIG. 3 at "ACK for DRQ", since the specification makes it clear that these two phrases have the same meaning (see, e.g., page 8, line 7-9).

Accordingly, it is respectfully submitted that it is indeed clear which signal from the specification and the drawing matches with "a detection ACK signal". Applicants respectfully request that this objection, therefore, be withdrawn.

As to the §102(e) rejection, it was previously argued that each of the independent Claims 1, 7, 13 and 18 recites a base station that generates a data rate request (DRQ) message which is received by the mobile station. The Examiner cites *Rezaiifar* as disclosing each and every limitation in these claims, but as previously argued, *Rezaiifar* does not do so because *Rezaiifar* teaches a data rate request by the remote station and other information, which are transmitted by the remote station using a control channel frame format which minimizes the processing delay between the time a data rate request is made to the time of actual transmission at the assigned data rate.

In the Response to Arguments, the Examiner conceded the same, yet explained that he considered that the DRQ is transmitted by the mobile station and DRQ messages are transmitted by the base station herein. However, it is respectfully asserted that the Examiner's repeated suggestion that the "paging message" in *Rezaiifar* reads on the DRQ message in the claims, is quite unfounded, as nowhere in the reference is the paging message set forth as relating to a data rate request, as claimed. In fact, the only instance where data rate request is even mentioned in *Rezaiifar* is in paragraph [0019], but there appears to be no discussion of a paging message anywhere with relation to the data rate request mentioned in this paragraph.

Applicants further note that in the Response to Arguments, the Examiner alleged that Claim 1 does not disclose any message for intermittently transmitting DRQ. However, Claim 1 recites, "when there is a packet to transmit in a state where there is no data communication with the mobile station". It is respectfully asserted that this recitation in Claim 1 can be interpreted as "intermittently transmitting DRQ".

In addition, a controller requests a mobile station to transmit DRQ by transmitting a DRQ message. It is recited that the controller transmits the DRQ message at the time when there is packet to transmit in a state where there is no data communication between the base station and a mobile station. That is, the DRQ message is transmitted to the mobile station when the packet data is generated, and it derives the mobile station to transmit DRQ only when there is a packet to transmit, not by periods. As previously argued, it is respectfully asserted that transmitting DRQ when there is a packet to transmit is directed to "intermittently transmitting DRQ", contrary to the Examiner's response.

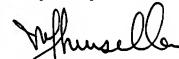
For at least the foregoing reasons, it is strongly maintained that *Rezaiifar* is deficient under §102(e) scrutiny in both disclosing each and every limitation in the rejected Claims 1-13, 16-20 and 23-24, as well as anticipating the rejected claims. Withdrawal of the rejection, therefore, is respectfully requested.

As to the §103(a) rejection of Claims 14-15 and 21-22, it is respectfully submitted that this rejection is incorrect at least for the reasons given above with respect to the rejection of Claims 1-13, 16-20 and 23-24 and further, since *Padovani* fails to cure the stated deficiencies in *Rezaiifar*. Withdrawal of this rejection, therefore, is respectfully requested.

Independent Claims 1, 7, 13 and 18 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2-6, 8-12, 14-17 and 19-24, these are likewise believed to be allowable by virtue of their dependence on their respective independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2-6, 8-12, 14-17 and 19-24 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-24, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



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